

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-38-07**

WHEREAS, **MIGUEL A. BRIZUELA** applied to Community Zoning Appeals Board 14 for the following:

- (1) AU to EU-M
- (2) To permit 2 lots each with a lot frontage of 97.51' (120' required).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat," as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 5/8/07.

SUBJECT PROPERTY: The west 230' of the south 160' of the north ½ of the SW ¼ of the NW ¼ of the NE ¼ all in Section 31, Township 55 South, Range 40 East, less the west 35' for right-of-way.

LOCATION: The southeast corner of S.W. 112 Avenue & S.W. 170 Terrace, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that that the requested district boundary change to EU-M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) would not be compatible with the area and its development and would not conform with the requirements and intent of

the Zoning Procedure Ordinance and should be denied and said application was denied in part by Resolution No. CZAB14-20-07, and

*WHEREAS*, **MIGUEL A. BRIZUELA** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

- (1) AU to EU-M
- (2) Applicant is requesting to permit 2 lots each with a lot frontage of 97.51' (120' required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat," as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 5/8/07. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** The west 230' of the south 160' of the north ½ of the SW ¼ of the NW ¼ of the NE ¼ all in Section 31, Township 55 South, Range 40 East, less the west 35' for right-of-way.

**LOCATION:** The southeast corner of S.W. 112 Avenue & S.W. 170 Terrace, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in

WHEREAS, a motion to deny the appeal, sustain the decision of Community Zoning Appeals Board 14, approve Item #1, and deny Item #2 without prejudice was offered by Commissioner Dennis C. Moss, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro aye

BE IT FURTHER RESOLVED that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) be and the same is hereby denied without prejudice.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB14-20-07 remains in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 4<sup>th</sup> day of October, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-4-CZ14-1  
ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By   
Deputy Clerk

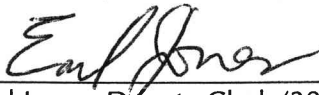
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 12<sup>TH</sup> DAY OF OCTOBER, 2007.

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-38-07 adopted by said Board of County Commissioners at its meeting held on the 4<sup>th</sup> day of October, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 12<sup>th</sup> day of October, 2007.



\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

**SEAL**





**Carlos Alvarez, Mayor**

ADA Coordination  
Agenda Coordination  
Animal Services  
Art in Public Places  
Audit and Management Services  
Aviation  
Building  
Building Code Compliance  
Business Development  
Capital Improvements  
Citizens' Independent Transportation Trust  
Commission on Ethics and Public Trust  
Communications  
Community Action Agency  
Community & Economic Development  
Community Relations  
Consumer Services  
Corrections & Rehabilitation  
Cultural Affairs  
Elections  
Emergency Management  
Employee Relations  
Empowerment Trust  
Enterprise Technology Services  
Environmental Resources Management  
Fair Employment Practices  
Finance  
Fire Rescue  
General Services Administration  
Government Information Center  
Historic Preservation  
Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro-Miami Action Plan  
Metropolitan Planning Organization  
Park and Recreation  
**Planning and Zoning**  
Police  
Procurement Management  
Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Vizcaya Museum And Gardens  
Water & Sewer

**Planning and Zoning**  
111 NW 1st Street • Suite 1210  
Miami, Florida 33128-1902  
T 305-375-2800

[miamidade.gov](http://miamidade.gov)

October 12, 2007

Miguel A. Brizuela  
c/o Miguel A. Brizuela  
10251 SW 72<sup>nd</sup> Street, Suite 104  
Miami, Florida 33173

Re: Hearing No. 07-4-CZ14-1  
Location: The southeast corner of S.W. 112 Avenue &  
S.W. 170 Terrace, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-38-07, adopted by the Board of County Commissioners, which denied your appeal, sustained the decision of Community Zoning Appeals Board and 14, approved your requested district boundary change to EU-M (Item #1) and denied Item #2 with prejudice on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.


The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **October 12, 2007**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Cuevas, County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

  
Earl Jones  
Deputy Clerk

Enclosure